

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

ROY MUNN,

Plaintiff,

v.

RAJPUTRE, INC.; and JENNIFER KNOX,

Defendants.

CIVIL ACTION NO.: 4:21-cv-197

**ORDER**

Presently before the Court is Plaintiff's "Voluntary Dismissal of Defendant Jennifer Knox Without Prejudice." (Doc. 16.) Defendant Knox has not filed an answer or a motion for summary judgment in this case. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff may dismiss an action by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment."

Accordingly, the Court **DISMISSES** Defendant Jennifer Knox **WITHOUT PREJUDICE**. See Plains Growers, Inc. v. Ickes-Braun Glasshouses, Inc., 474 F.2d 250, 255 (5th Cir. 1973) ("[R]eading the rules governing dismissal by notice and dismissal by motion together, we conclude that it was intended by the rule-makers to permit dismissal against such of the

defendants as have not served an answer or motion for summary judgment . . . .”).<sup>1</sup> The Court **DIRECTS** the Clerk of Court to update the docket accordingly.

**SO ORDERED**, this 20th day of October, 2021.



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R. STAN BAKER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA

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<sup>1</sup> In Bonner v. City of Prichard, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc), the Eleventh Circuit adopted as binding precedent all decisions of the former Fifth Circuit handed down prior to October 1, 1981.